

ORIGINAL

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MAY 18 2001

MARY E. D'ANDREA, CLERK
Per. 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CLEARY,

Plaintiff,

v.

KENNETH KYLER, et al.,

Defendants

Civil Action No. 1:CV-00-2125

(Judge Caldwell)

**DEFENDANT IMSCHWEILER'S BRIEF IN SUPPORT
OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendant Imschweiler incorporates herein by reference the brief in support of Motion to Dismiss Plaintiff's Complaint filed by Defendants Kyler and Ward on March 30, 2001. Defendant Imschweiler concurs in the motion to dismiss and supporting brief of the co-Defendants.

Respectfully submitted,



Raymond W. Dorian
Assistant Counsel
Attorney I.D. No. 48148

PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Date: May 18, 2001

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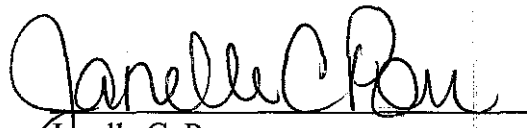
(Judge Caldwell)

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Defendant Imschweiler's Brief in Support of Motion to Dismiss Plaintiff's Complaint upon the person(s) and in the manner indicated below.

Service by first-class mail
addressed as follows:

John Cleary, DF-5779
SCI-Pittsburgh
P.O. Box 99901
Pittsburgh, PA 15233


Janelle C. Porr
Clerk Typist 2

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Dated: May 18, 2001